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# DAC

# TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in this Submission 16

Application Number	10/676,744
Filing Date	September 30, 2003
First Named Inventor	Harold N. Rosenstock
Group Art Unit	
Examiner Name	Unknown
Attorney Docket Number	IS01409MCG

## ENCLOSURES

(check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-Related papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CDs	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter with appropriate copies <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) <input checked="" type="checkbox"/> Request for Reconsideration of Petition Under 37 CFR 1.47(a) <input checked="" type="checkbox"/> Declaration of V. Lynn Webb <input checked="" type="checkbox"/> Attachments <input checked="" type="checkbox"/> Declaration of V. Lynn Webb <input checked="" type="checkbox"/> Attachments
Remarks X Copy of Decision Refusing Status Under 37 CFR 1.47(a)		

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual	Kevin D. Wills	Registration No.	43,993
Signature	<i>Kevin D. Wills</i>		
Date	April 27, 2004		

## CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage thereon, as first-class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313 on the date listed below:

Typed or printed name	V. Lynn Webb		
Signature	<i>V. Lynn Webb</i>	Date	April 27, 2004



PTO/SB/17 (11-00)		<b>Complete if Known</b>	
Patent fees are subject to annual revision		Application Number	10/676,744
		Filing Date	September 30, 2003
		First Named Inventor	Harold N. Rosenstock
		Examiner Name	Unknown
		Group Art Unit	
TOTAL AMOUNT OF PAYMENT	(\$) <b>130.00</b>	Attorney Docket No.	IS01409MCG

METHOD OF PAYMENT		FEE CALCULATION (continued)																																																																																																																																																							
<b>1.</b> <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any overpayment to: Deposit Account Number <b>502117</b> Deposit Account Name <b>Motorola, Inc.</b>  <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>3. ADDITIONAL FEES</b> <table border="1"><thead><tr><th>Large Entity</th><th>Fee</th><th>Small Entity</th><th>Fee</th><th>Fee Description</th></tr></thead><tbody><tr><td>105</td><td>130</td><td>205</td><td>65</td><td>Surcharge - late filing fee or oath</td></tr><tr><td>127</td><td>50</td><td>227</td><td>25</td><td>Surcharge - late Provisional filing</td></tr><tr><td>139</td><td>130</td><td>139</td><td>130</td><td>Non-English specification</td></tr><tr><td>147</td><td>2520</td><td>147</td><td>2520</td><td>For filing a request for ex parte Reexamination</td></tr><tr><td>112</td><td>920*</td><td>112</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td></tr><tr><td>113</td><td>1840*</td><td>113</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td></tr><tr><td>115</td><td>110</td><td>215</td><td>55</td><td>Extension for reply within first month</td></tr><tr><td>116</td><td>390</td><td>216</td><td>195</td><td>Extension for reply within second month</td></tr><tr><td>117</td><td>890</td><td>217</td><td>445</td><td>Extension for reply within third month</td></tr><tr><td>118</td><td>1390</td><td>218</td><td>695</td><td>Extension for reply within fourth month</td></tr><tr><td>128</td><td>1890</td><td>228</td><td>945</td><td>Extension for reply within fifth month</td></tr><tr><td>119</td><td>310</td><td>219</td><td>155</td><td>Notice of Appeal</td></tr><tr><td>120</td><td>310</td><td>220</td><td>155</td><td>Filing a brief in support of an appeal</td></tr><tr><td>121</td><td>270</td><td>221</td><td>135</td><td>Request for oral hearing</td></tr><tr><td>138</td><td>1510</td><td>138</td><td>1510</td><td>Petition to institute a public use proceeding</td></tr><tr><td>140</td><td>110</td><td>240</td><td>55</td><td>Petition to revive - unavoidable</td></tr><tr><td>141</td><td>1240</td><td>241</td><td>620</td><td>Petition to revive - unintentional</td></tr><tr><td>142</td><td>1240</td><td>242</td><td>620</td><td>Utility issue fee (or reissue)</td></tr><tr><td>143</td><td>440</td><td>243</td><td>220</td><td>Design issue fee</td></tr><tr><td>144</td><td>600</td><td>244</td><td>300</td><td>Plant issue fee</td></tr><tr><td>122</td><td>130</td><td>122</td><td>130</td><td>Petitions to the Commissioner</td></tr><tr><td>123</td><td>50</td><td>123</td><td>50</td><td>Processing fee under 37 CFR 1.17(q)</td></tr><tr><td>126</td><td>180</td><td>126</td><td>180</td><td>Submission of IDS</td></tr><tr><td>581</td><td>40</td><td>581</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td></tr><tr><td>146</td><td>710</td><td>246</td><td>355</td><td>Filing a submission after final rejection (37 CFR § 1.129(a))</td></tr><tr><td>149</td><td>710</td><td>249</td><td>355</td><td>For each additional invention to be examined (37 CFR § 1.129(b))</td></tr><tr><td>179</td><td>710</td><td>279</td><td>355</td><td>Request for Continued Examination (RCE)</td></tr><tr><td>169</td><td>900</td><td>169</td><td>900</td><td>Request for expedited examination of a design application</td></tr><tr><td colspan="5">Other fee (specify) _____</td></tr></tbody></table>		Large Entity	Fee	Small Entity	Fee	Fee Description	105	130	205	65	Surcharge - late filing fee or oath	127	50	227	25	Surcharge - late Provisional filing	139	130	139	130	Non-English specification	147	2520	147	2520	For filing a request for ex parte Reexamination	112	920*	112	920*	Requesting publication of SIR prior to Examiner action	113	1840*	113	1840*	Requesting publication of SIR after Examiner action	115	110	215	55	Extension for reply within first month	116	390	216	195	Extension for reply within second month	117	890	217	445	Extension for reply within third month	118	1390	218	695	Extension for reply within fourth month	128	1890	228	945	Extension for reply within fifth month	119	310	219	155	Notice of Appeal	120	310	220	155	Filing a brief in support of an appeal	121	270	221	135	Request for oral hearing	138	1510	138	1510	Petition to institute a public use proceeding	140	110	240	55	Petition to revive - unavoidable	141	1240	241	620	Petition to revive - unintentional	142	1240	242	620	Utility issue fee (or reissue)	143	440	243	220	Design issue fee	144	600	244	300	Plant issue fee	122	130	122	130	Petitions to the Commissioner	123	50	123	50	Processing fee under 37 CFR 1.17(q)	126	180	126	180	Submission of IDS	581	40	581	40	Recording each patent assignment per property (times number of properties)	146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	179	710	279	355	Request for Continued Examination (RCE)	169	900	169	900	Request for expedited examination of a design application	Other fee (specify) _____				
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FEE CALCULATION				
<b>1. BASIC FILING FEE</b>				
Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Paid
101	710	201	365	Utility filing fee
106	320	206	160	Design filing fee
107	490	207	245	Plant filing fee
108	710	208	355	Reissue filing fee
114	150	214	75	Provisional filing fee
<b>SUBTOTAL (1)</b>				<b>(\$)<b>0</b></b>
<b>2. EXTRA CLAIM FEES</b>				
Total Claims <input type="text"/> -20** = <input type="text"/> X <input type="text"/> = <input type="text"/>				
Independent Claims <input type="text"/> -3** = <input type="text"/> X <input type="text"/> = <input type="text"/>				
Multiple Dependent Claims <input type="text"/> = <input type="text"/>				
<b>SUBTOTAL (2)</b> <b>(\$)<b>0</b></b>				
**OR NUMBER PREVIOUSLY PAID, IF GREATER. For Reissues, see above				

SUBMITTED BY		Complete (if applicable)	
Name (Print/Type)	Kevin D. Wills	Registration No.	43,993
Signature	<i>Kevin D. Wills</i>	Telephone	602-952-4399
		Mail Date	January 14, 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S): Harold N. Rosenstock  
APPLICATION NO.: 10/676,744  
FILED: September 30, 2003  
GROUP ART UNIT:  
TITLE: METHOD AND APPARATUS FOR LIMITING STANDBY SUBNET MANAGERS

Certificate of Mailing

Date of deposit: April 27, 2004

I hereby certify that this paper is being deposited with the United States Postal Service on the date indicated above, as first-class mail, with sufficient postage attached thereto, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

  
Signature of Person Mailing Paper

V. Lynn Webb  
Printed Name of Person Mailing Paper

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

REQUEST FOR RECONSIDERATION OF PETITION UNDER 37 CFR 1.47(a)

In response to the DECISION REFUSING STATUS UNDER 37 CFR 1.47(a), as requested, the petitioners provide herewith proof that joint inventors Richard Dykiel and Richard A. Lagueux were presented with a copy of the application as filed (specification, including claims, drawings and the declaration) at their last known address, thereby giving them an opportunity to review the application papers. Delivery of the documents, mailed via Certified Mail, was refused by the joint inventors. The following documents are included herewith:

<input checked="" type="checkbox"/>	2	page Declaration of V. Lynn Webb Under 37 CFR 1.47 (re Richard Dykiel)
<input checked="" type="checkbox"/>	1	page copy of cover letter to Richard Dykiel
<input checked="" type="checkbox"/>	2	pages copy of Certified Mail envelope to Richard Dykiel, front and back
<input checked="" type="checkbox"/>	2	pages Declaration of V. Lynn Webb Under 37 CFR 1.47 (re Richard A. Lagueux)
<input checked="" type="checkbox"/>	1	pages copy of cover letter to Richard A. Lagueux
<input checked="" type="checkbox"/>	2	pages copy of Certified Mail envelope to Richard A. Lagueux, front and back

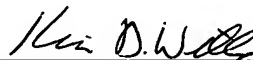
The Commissioner is hereby authorized to charge all fees due to Account No. 502117, Motorola, Inc. A fee transmittal is enclosed.

Respectfully submitted,

SEND CORRESPONDENCE TO:

Motorola, Inc.  
Law Department  
Customer Number: 23330

By:



KEVIN D. WILLS  
Attorney of Record  
Reg. No.: 43,993  
Telephone: 602-952-4399  
Fax No.: 602-952-4376



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Rosenstock et al.	Examiner:	TBA
Serial No.:	10/676,744	Group:	TBA
Filed:	09/30/2003	Case No:	IS01409MCG
Entitled:	METHOD AND APPARATUS FOR LIMITING STANDBY SUBNET MANAGERS		

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**DECLARATION OF V. LYNN WEBB UNDER 37 C.F.R. § 1.47**

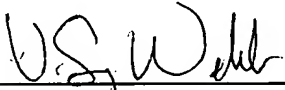
I, V. Lynn Webb, hereby state as follows:

1. I am an Administrative Assistant in the Law Department at Motorola, Inc. ("Motorola"), in Phoenix, Arizona. My responsibilities include obtaining the signatures of current Motorola employees, former Motorola employees and non-employees for the Declaration and Power of Attorney and for the Assignment documents with respect to patent applications filed on their behalf by Motorola as assignee of the inventions therein.
2. On March 29, 2004, I mailed to Richard A. Lagueux, via Certified Mail, Restricted Delivery to Addressee Only, a package containing documents for his review and documents for his signature, under certified mail label number 7099 3220 0004 8835 1744, at his last known address, 11 Pinewood Road, Hudson, NH 03051.
3. The package included copies of the Specification, Claims, Abstract, Drawings, for Richard A. Lagueux' review and a Declaration with Power of Attorney, and an Assignment and Agreement for Richard A. Lagueux' signature with respect to patent application serial no. 10/676,744, attorney docket no. IS01409MCG, filed September 30, 2003.

4. On April 1, 2004, April 6, 2004, and April 16, 2004, delivery of the package was attempted by the U.S. Post Office and ultimately marked REFUSED, RETURN TO SENDER.
5. The package was returned to Motorola unopened on or about April 22, 2004.
6. Enclosed please find copies of the Cover Letter to Mr. Lagueux and a copy of the Certified Mail envelope, front and back, noting the U.S. Post Office's attempts to deliver the package to Mr. Lagueux and the lack of signature on the return receipt still attached to the envelope.

I declare under penalty of perjury that the statements made by me in this Declaration are true and correct.

Respectfully submitted,

  
\_\_\_\_\_  
V. LYNN WEBB  
MOTOROLA, INC.  
Senior Administrative Assistant  
Law Department

DATE: April 27, 2004



**MOTOROLA**



VIA Certified Mail

Label No. 7099 3220 0004 8835 1744

March 29, 2004

Richard A. Lagueux  
11 Pinewood Road  
Hudson, NH 03051

RE: Patent Application Title: METHOD AND APPARATUS FOR LIMITING  
STANDBY SUBNET MANAGERS  
Application Serial No. 10/676,744  
Docket Number IS01409MCG

Dear Mr. Lagueux:

Attached for your signature are the formal papers for the above-identified patent application. These documents need to be filed with the United States Patent Office, so please return them to me as soon as possible. After reviewing the final patent application specification and claims and reviewing the formal drawings, please execute the formal papers.

Return the original documents in the enclosed prepaid Federal Express envelope via **FEDERAL EXPRESS PRIORITY OVERNIGHT** to:

Kevin D. Wills  
Motorola, Inc.  
Law Department  
3102 North 56th Street  
Maildrop 56-238  
Phoenix, AZ 85018  
Phone: 602-952-4362

If you have any questions or concerns, please contact me at (602) 952-4364.

Very truly yours,

Kevin D. Wills



**MOTOROLA**

3102 North 56th Street  
Mail Drop 56-238  
Phoenix, Arizona 85018

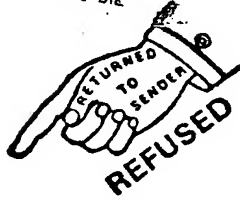
Law Department

*NA*



7099 3220 0004 8835 1744

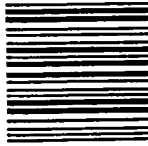
**RESTRICTED  
DELIVERY**



Richard A. Lagueux  
117 Pineood Road  
Hudson, NH 03051

CERTIFIED MAIL

U.S. POSTAGE  
PAID  
SCOTTSDALE, AZ  
85257  
MAR 29 '04  
AMOUNT  
**\$6.72**  
00030057-07



9264

03051

U.S. POSTAGE  
PAID  
SCOTTSDALE, AZ  
85257  
MAR 29 '04  
AMOUNT  
**\$3.50**  
00030057-07



9264

03051

*Refused*

*NL*

*4-1-04*

*R203*

NAME Richard A. Lagueux 8-2004  
1st Notice                       
2nd Notice                       
Return                     

4/1  
4/16  
4/16  
1st Notice  
2nd Notice  
Return



**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard A. Lagueux  
11 Pinewood Road  
Hudson, NH 03051

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent  
☒ Addressee

B. Received by (Printed Name) C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

**RESTRICTED  
DELIVERY**

3. Service Type  
☐ Certified Mail ☐ Express Mail  
☐ Registered ☐ Return Receipt for Merchandise  
☐ Insured Mail ☐ C.O.D.

4. Restricted Delivery? (Extra Fee) ☐ Yes

2. Article Number (Transfer from service label) 7099 3220 0004 8835 1744

PS Form 3811, August 2001 Domestic Return Receipt 102595-02-M-1540



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	Rosenstock et al.	Examiner:	TBA
Serial No.:	10/676,744	Group:	TBA
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Entitled:	METHOD AND APPARATUS FOR LIMITING STANDBY SUBNET MANAGERS		

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**DECLARATION OF V. LYNN WEBB UNDER 37 C.F.R. § 1.47**

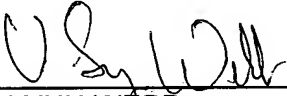
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2. On March 29, 2004, I mailed to Richard Dykiel, via Certified Mail, Restricted Delivery to Addressee Only, a package containing documents for his review and documents for his signature, under certified mail label number 7099 3220 0004 8836 0586, at his last known address, 29 Ethan Allen Drive, Acton, MA 01720.
3. The package included copies of the Specification, Claims, Abstract, Drawings, for Richard Dykiel's review and a Declaration with Power of Attorney, and an Assignment and Agreement for Richard Dykiel's signature with respect to patent application serial no. 10/676,744, attorney docket no. IS01409MCG, filed September 30, 2003.

4. On April 2, 2004, April 6, 2004, and April 16, 2004, delivery of the package was attempted by the U.S. Post Office and ultimately marked UNCLAIMED, RETURN TO SENDER.
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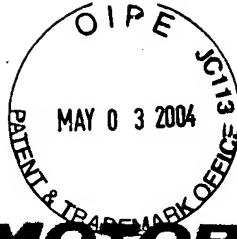
Respectfully submitted,

  
\_\_\_\_\_  
V. LYNN WEBB  
MOTOROLA, INC.  
Senior Administrative Assistant  
Law Department

DATE: April 27, 2004



**MOTOROLA**



VIA Certified Mail  
Label No. 7099 3220 0004 8836 0586

March 29, 2004

Richard Dykiel  
29 Ethan Allen Drive  
Acton, Massachusetts 01720

RE: Patent Application Title: METHOD AND APPARATUS FOR LIMITING  
STANDBY SUBNET MANAGERS  
Application Serial No. 10/676,744  
Docket Number IS01409MCG

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Maildrop 56-238  
Phoenix, AZ 85018  
Phone: 602-952-4362

If you have any questions or concerns, please contact me at (602) 952-4364.

Very truly yours,

Kevin D. Wills



**MOTOROLA**

3102 North 56th Street  
Mail Drop 56-238  
Phoenix, Arizona 85018

Law Department

PLACE STICKER AT TOP OF ENVELOPE  
TO THE RIGHT OF RETURN ADDRESS.  
FOLD AT DOTTED LINE

**CERTIFIED MAIL**



7099 3220 0004 8836 0586



9264



U.S. POSTAGE  
PAID  
SCOTTSDALE, AZ  
85257  
MAR 26, 04  
AMOUNT

**\$10.22**

00030057-07

**RESTRICTED  
DELIVERY**

Richard Dykiel  
29 Ethan Allen Drive

~~Arizona, MS 01200~~



UNCLAIMED

B  
7  
4  
2  
6  
14

282

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Richard Dykiel  
29 Ethan Allen Drive  
Acton, MA 01720

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature ☒ Agent  
☒ Addressee

B. Received by (Printed Name)

C. Date of Delivery

D. Is delivery address different from item 1? ☐ Yes  
If YES, enter delivery address below: ☐ No

**RESTRICTED  
DELIVERY**

3. Service Type

- ☐ Certified Mail
- ☐ Express Mail
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Insured Mail
- ☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

2. Article Number

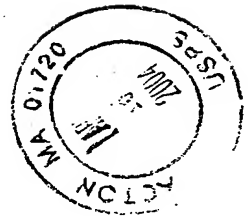
(Transfer from service label)

7099 3220 0004 8836 0586

PS Form 3811, August 2001

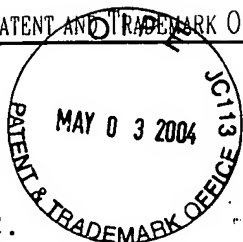
Domestic Return Receipt

102595-02-M-1540





UNITED STATES PATENT AND TRADEMARK OFFICE



COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
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2004

MOTOROLA, INC.  
CORPORATE LAW DEPARTMENT  
3102 NORTH 56TH STREET  
PHOENIX AZ 85018

#56-238

MAR 16 2004  
3/16

COPY MAILED

MAR 10 2004

OFFICE OF PETITIONS

In re Application of :  
Rosenstock, Dykiel, Lagueux, and : DECISION REFUSING STATUS  
Duthie : UNDER 37 CFR 1.47(a)  
Application No. 10/676,644 :  
Filed: 30 September, 2003 :  
Atty Docket No. IS01409MCG :

This is in response to the petition filed under 37 CFR 1.47(a) on  
20 January, 2004.

ACT. DUE: <i>Response</i>
DATE DUE: <i>10 May 2004</i>

The petition is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of  
this decision to reply, correcting the below-noted deficiencies.  
Any reply should be entitled "Request for Reconsideration of  
Petition Under 37 CFR 1.47(a)," and should only address the  
deficiencies noted below, except that the reply may include an  
oath or declaration executed by the non-signing inventor.  
**FAILURE TO RESPOND WILL RESULT IN ABANDONMENT OF THE APPLICATION.**  
Extensions of time may be obtained in accordance with 37 CFR  
1.136(a).

The above-identified application was filed on 30 September, 2003,  
without an executed oath or declaration. Accordingly, on 22  
December, 2003, a Notice to File Missing Parts of Nonprovisional  
Application was mailed, requiring, *inter alia*, an executed oath  
or declaration and a surcharge for its late filing.

In response, on 20 January, 2004, petitioners filed a declaration  
naming Harold N. Rosenstock, Richard Dykiel, Richard Lagueux, and  
Peter Duthie as joint inventors, signed by joint inventor  
Rosenstock on behalf of himself and the other inventors, the  
present petition, petition fee, and the late-filing surcharge.

Petitioners state that joint inventors Dykiel, Lagueux, and  
Duthie cannot be reached or have refused to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires:

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings);

(2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116;

(3) the petition fee;

(4) a surcharge of \$130 or \$65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks items (1).

In regards to item (1), petitioners have not provided proof that joint inventors Dykiel and Lagueux were ever sent or presented with a copy of the application as filed (specification, including claims, drawings, if any, and the declaration).<sup>1</sup> The petition states that Kevin D. Wills made a bona fide and diligent attempt to present the application papers to joint inventors Dykiel and Lagueux. However, the petition does not show that a copy of the application papers (specification, claims, drawings, if any, and the declaration) were ever sent or given to joint inventors Dykiel and Lagueux.

Petitioners may show proof that a copy of the application was sent or given to the non-signing inventor for review by providing a copy of the cover letter transmitting the application papers (specification, including claims, drawings, if any, and the declaration) to the non-signing inventor or details given in an affidavit or declaration of facts by a person having first-hand knowledge of the details.

Likewise, before a *bona fide* refusal to sign the declaration can be alleged, petitioners must show that a copy of the application was sent or given to the inventor. If the inventor refuses in writing, petitioners must submit a copy of that written refusal with any renewed petition. If the refusal was made orally to a person, then that person must provide details of the refusal in an affidavit or declaration of fact. While petitioners have presented emails from joint inventors Dykiel and Lagueux indicating an unwillingness to join in the filing of the application papers, both joint inventors must be afforded an

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<sup>1</sup>MPEP 409.03(d).



opportunity to review the application papers. Petitioners should sent or give the non-signing inventors a copy of the application papers as specified above at their respective last known addresses with a request that they sign and return the declaration.

Further correspondence with respect to this matter should be addressed as follows:

By mail:           Mail Stop Petition  
                  Commissioner for Patents  
                  P.O. Box 1450  
                  Alexandria, VA 22313-1450

By FAX:           (703) 872-9306  
                  Attn: Office of Petitions

By hand:           U.S. Patent and Trademark Office  
                  2011 South Clark Place  
                  Customer Window  
                  Crystal Plaza 2, Lobby, Room 1B03  
                  Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.



Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions